

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

FAIR ISAAC CORPORATION, a)	Case No. 16-cv-1054 (DTS)
Delaware corporation,)	
)	
Plaintiff,)	
)	
v.)	
)	
FEDERAL INSURANCE COMPANY,)	
an Indiana corporation, and ACE)	
AMERICAN INSURANCE)	
COMPANY, a Pennsylvania)	
corporation,)	
)	
Defendants.)	
)	

THE PARTIES' JOINT STATEMENT OF UNCONTESTED FACTS

Software License and Maintenance Agreement

1. Ex. J-1 is the Software License and Maintenance Agreement, including Amendment One and Amendment Two (“License Agreement”).

2. The License Agreement is a valid and enforceable contract.

Chubb & Son, a division of Federal Insurance Company

3. Chubb & Son is an unincorporated division of Federal Insurance Company (“Federal.”)

4. Chubb & Son does not have subsidiaries.

5. Chubb & Son does not have “affiliates” as that term is defined in Amendment Two.

6. Chubb & Son operated as the manager of domestic and foreign insurance company subsidiaries of Federal.

7. As manager of insurance company subsidiaries of Federal, Chubb & Son was empowered to manage the business of insurance by and on behalf of and in the name of the insurance company subsidiaries of Federal.

Chubb & Son Request for Information

8. Ex. J-2 is the February 3, 2006 Request for Information of Chubb & Son, a Division of Federal Insurance Company, for itself and as servicer for the Chubb Corporation and its non-insurance company subsidiaries, or as manager of its insurance company subsidiaries, sent to FICO in February 2006.

The Acquisition of the Chubb Corporation by ACE Limited

9. Before the acquisition of the Chubb Corporation by ACE Limited, Federal was wholly owned by the Chubb Corporation.

10. Before January 15, 2016, all the ownership and voting rights of the stock of Federal Insurance Company were held by the Chubb Corporation.

11. Before the acquisition, the Chubb Corporation was the parent of a group of insurance companies that operated together as a \$12 billion enterprise.

12. Before the acquisition, ACE INA Holdings, Inc. was a wholly owned subsidiary of ACE Limited, created for the purpose of effectuating a merger transaction with the Chubb Corporation.

13. After the acquisition of the Chubb Corporation by ACE Limited, the Chubb Corporation ceased to exist.

14. After the acquisition of the Chubb Corporation by ACE Limited, ACE Limited changed its name to Chubb Limited.

15. After January 15, 2016, Federal was a wholly owned subsidiary of ACE INA Holdings, Inc.

16. Federal and ACE American are now part of a group of insurance companies with Chubb Limited as the ultimate parent of both.

17. Federal and ACE American are both indirect wholly owned subsidiaries of Chubb Limited.

18. After the acquisition, Chubb Limited was the parent of a group of insurance companies with total annual revenue of \$30+ billion.

19. The acquisition was the largest merger in insurance history, resulting in the largest publicly traded property and casualty insurer in the world.

Use of Blaze Advisor

20. Blaze Advisor was used in the CSI Express application.

21. Blaze Advisor was used in the Decision Point application.

22. Blaze Advisor was used in the Automated Renewal Process application.

23. Blaze Advisor was used in the CUW-IM application.

24. Blaze Advisor was used in the IRMA (Individual Rate Modification Application) application.

25. Blaze Advisor was used in the TAPS (Texas Accident Prevention System) application.

26. Blaze Advisor was used in the Premium Booking application.

27. Blaze Advisor was used in the Adapt-ABL (EUZ) application.

28. Blaze Advisor was used in the EZER (EUZ) application.

29. Blaze Advisor was used in the Adapt-ABL application used by Chubb Insurance Company of Australia.

30. Blaze Advisor was used in the Profitability Indicator application.

Continued Use of Blaze Advisor after Termination

31. The Blaze Advisor component was removed from the version of Decision Point used by the Financial Lines Unit on or about April 10, 2020.

32. The Blaze Advisor component was removed from the version of CSI eXPRESS, Automated Renewal Process, and Profitability Indicator used by the Financial Lines Unit on or about January 17, 2020.

33. The Blaze Advisor component was removed from the version of Premium Booking used by Corporate Business Systems on or about April 17, 2020.

34. The Blaze Advisor component was removed from the version of CUW-IM used by the Chubb Commercial Insurance (CCI) business unit in early November 2019.

35. The Blaze Advisor component was removed from the version of TAPS used by the Chubb Commercial Insurance (CCI) business unit in late-third quarter or early-fourth quarter in 2019.

36. The Blaze Advisor component was removed from the version of IRMA used by the Chubb Commercial Insurance (CCI) business unit in either the summer or early fall of 2019.

37. The Blaze Advisor component was removed from the version of EZER used by CEG SE on or about March 29, 2019.

38. The Blaze Advisor component was removed from the version of ADAPT used by CEG SE and Chubb Insurance Company of Australia on or about January 27, 2019.

39. The Blaze Advisor component was removed from the version of EZER used by UK Federal on or about March 29, 2019.

40. The Blaze Advisor component was removed from the Evolution application on or about September 27, 2019.

Blaze Advisor Software Code

41. FICO owns a valid copyright for Blaze Advisor versions 3.0, 4.0, 5.0, 6.0, 6.5, 6.6, 6.7, 6.8, 6.9, 7.0, 7.1, and 7.2.

42. After March 31, 2016, the Blaze Advisor software code was not modified in any way by Chubb & Son, a division of Federal, Federal, or any other associated entity or person.

Dated: February 1, 2023

/s/ Joseph W. Dubis
Allen Hinderaker, MN Bar # 45787
Heather Kliebenstein, MN Bar # 337419
Paige S. Stradley MN #393432
Michael A. Erbele, MN Bar # 393635
Joseph W. Dubis, MN Bar # 0398344
Gabrielle L. Kiefer, MN Bar # 0402364
MERCHANT & GOULD P.C.
150 South Fifth Street
Suite 2200
Minneapolis, MN 55402
Tel: (612) 332-5300
Fax: (612) 332-9081
ahinderaker@merchantgould.com
hkliebenstein@merchantgould.com
pstradley@merchantgould.com
merbele@merchantgould.com
jdubis@merchantgould.com
gkiefer@merchantgould.com

Attorneys for Plaintiff FICO

AND

/s/Ryan C. Young
Terrence J. Fleming (#0128983)
tfleming@fredlaw.com
Leah C. Janus (#0337365)
ljanus@fredlaw.com
Christopher D. Pham (#0390165)
cpham@fredlaw.com
Ryan C. Young (#0397751)
ryoung@fredlaw.com
Panhia Vang (#399444)
pvang@fredlaw.com
FREDRIKSON & BYRON, P.A.
200 South Sixth Street, Suite 4000
Minneapolis, MN 55402-1425
(612) 492-7000 (tel.)
(612) 492-7077 (fax)

Leah Godesky (Admitted Pro Hac Vice)
lgodesky@omm.com
Anton Metlitsky (Admitted Pro Hac Vice)
ametlitsky@omm.com

Daryn E. Rush (Admitted Pro Hac Vice)
drush@omm.com

Roxana Guidero (Admitted Pro Hac Vice)
rguidero@omm.com

O'MELVENY & MYERS LLP

Times Square Tower

7 Times Square

New York, NY 10036

(212) 326-2000

*Attorneys for Defendants Federal Insurance
Company and ACE American Insurance*